

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LINDA GOOCH DAVIS, c/o Nora	:	HABEAS CORPUS
I. Bee, Jr., Citizens Against	:	28 U.S.C. § 2254
Injustice,	:	
Plaintiff,	:	CIVIL ACTION NO.
	:	1:13-CV-1974-WSD-GGB
v.	:	
	:	
STATE OF GEORGIA, et al.,	:	
Defendants.	:	

FINAL REPORT AND RECOMMENDATION

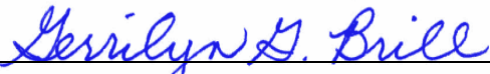
On June 13, 2013, an individual named Nora Isaac Bee, Jr. filed a habeas corpus petition under 28 U.S.C. § 2254 on behalf of Linda Gooch Davis, an inmate at the Fayette County Jail. The *in forma pauperis* application and petition have both been signed by Mr. Bee, but not by Ms. Davis. Only an attorney may represent another party in cases before this Court. *See* 28 U.S.C. § 1654. It does not appear that Mr. Bee is a lawyer; thus, he cannot assert any claim on behalf of Ms. Davis. *Cf. Ruston v. United States*, No. 5:12-CT-3134-D, 2012 WL 6608609, at *2 (E.D. N.C. Dec. 18, 2012) (refusing to allow prisoner to litigate on behalf of other prisoners by relying on signed “powers of attorney”); *Oxendine v. Williams*, 509 F.2d 1405, 1407 (4th Cir. 1975) (holding that a *pro se* prisoner could not litigate the rights of a fellow prisoner). Accordingly, this petition has been improperly filed.

Based on the foregoing, **I RECOMMEND** that the action be **ADMINISTRATIVELY CLOSED** and that the Clerk **RETURN** the documents to Mr. Bee. **I FURTHER RECOMMEND** that the Clerk be **DIRECTED** to send Ms. Davis the proper forms for filing a habeas corpus petition under 28 U.S.C. § 2254 should she wish to file a habeas corpus petition on her own behalf.

According to Rule 11 of the Rules Governing Section 2254 Proceedings for the United States District Courts, a district court “must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.” Under 28 U.S.C. § 2253(c)(2), a certificate of appealability shall not issue unless “the applicant has made a substantial showing of the denial of a constitutional right.” Davis has failed to make a substantial showing of the denial of a constitutional right. Thus, a certificate of appealability should not issue, and **I RECOMMEND** that a certificate of appealability be **DENIED**.

The Clerk is **DIRECTED** to terminate the referral to me.

IT IS SO RECOMMENDED, this 17th day of July, 2013.



GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE